IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

SHERYL H. ROGERS, Plaintiff, v. HARDEE'S RESTAURANTS LLC, CKE RESTAURANTS HOLDINGS, LLC, ALESIA SHULER, SOUTHERN PROPANE SERVICES, INC. and SOUTH STAR SC, LLC Defendants.	PLAINTIFF'S SECOND AMENDED COMPLAINT

THE PLAINTIFF, COMPLAINING OF THE DEFENDANTS HEREIN, WOULD RESPECTFULLY SHOW UNTO THIS COURT:

FOR A FIRST CAUSE OF ACTION

1. Plaintiff is a citizen and resident of Statesboro, Georgia.

2. Defendant Hardee's Restaurants, LLC ("Defendant Hardee's") is a corporation organized and existing under the laws of a state other than the State of South Carolina with its principal place of business in a state other than South Carolina. Defendant Hardee's owns the property located at 1109 John C. Calhoun Drive, Orangeburg in the County of Orangeburg, State of South Carolina.

3. Upon information and belief, Defendant CKE Restaurants Holdings, LLC ("Defendant CKE"), at all times relevant herein, was a corporation organized and existing under the laws of a state other than the State of South Carolina with its principal place of business in a state other than South Carolina. Defendant CKE is not authorized to do business in the State of South Carolina, but operated a fast food restaurant on 1109 John C. Calhoun Drive, Orangeburg in the County of Orangeburg, State of South Carolina with and/or through Defendant Hardee's.

4. Upon information and belief, Defendant Alesia Shuler ("Defendant Shuler") is a citizen and resident of Orangeburg County, State of South Carolina.

5. Upon information and belief, Defendant Shuler, at all times relevant herein, was a manager at the Hardee's located at 1109 John C. Calhoun Drive, Orangeburg, South Carolina.

6. Upon information and belief, Defendant Southern Propane Services, Inc. ("Defendant Southern") is a corporation organized and existing under the laws of the State of South Carolina with a registered agent Andrew R. Arends of 132 Strawberry Lane, Orangeburg, SC 29118.

7. Upon information and belief, 1109 John C. Calhoun Drive, Orangeburg, South Carolina, the location of the incident, was leased to Defendant Southern.

8. Upon information and belief, Defendant South Star SC, LLC ("Defendant South Star") is a limited liability corporation organized and existing under the laws of the State of South Carolina with its registered agent CT Corporation System, 2 Office Park Court, Suite 103, Columbia, SC 29223.

9. Upon information and belief, Defendant South Star, at all times relevant herein, operates the Hardees Restaurant at 1109 John C. Calhoun Drive, Orangeburg, South Carolina, as a franchisee.

10. On or about January 7, 2014, in the morning hours, Plaintiff was lawfully at the Hardee's located at 1109 John C. Calhoun Drive, Orangeburg, South Carolina, as a customer of Defendants.

11. While Plaintiff was leaving Defendants' premises, she slipped and fell on Defendants' icy sidewalk, causing her significant injury to her head.

12. There were no signs or warning of the iced sidewalk, nor were there any

indications that measures were taken to remove the ice from the sidewalk.

13. Immediately after the incident, Plaintiff informed the store manager, Defendant Shuler, of what happened. Ms. Shuler exited the restaurant to look for the ice and fell as well.

14. Plaintiff is informed and believes Defendant Shuler ran the sprinkler system in freezing temperatures causing the ice to form around the property.

15. As a result of the Defendants' negligence, carelessness, recklessness, willfulness, wantonness, and gross negligence, Plaintiff received injuries to her head, causing her to be under the care of a doctor, to incur medical expenses, and to experience severe pain; Plaintiff has suffered serious injuries and will in the future experience pain and suffering, and will incur future medical bills.

16. Defendants owed a duty to Plaintiff as a business invitee.

17. Defendants knew or should have known that their sidewalk was icy.

18. Defendants, acting by and through the acts and/or omissions of their agents, servants, and/or employees who were acting within the course and scope of said agency, service, and/or employment, were negligent, careless, reckless, grossly negligent, willful and wanton at the time and place above-mentioned in the following particulars:

a. In causing and permitting the sidewalk to be iced over thereby creating a dangerous condition which Defendants knew or should have known, created an unreasonable risk of injury to customers;

b. In failing to take reasonable precautions to keep the premises in a safe condition and in allowing business invitees to be exposed to the hazardous condition;

c. In failing to properly train and instruct personnel on the proper methods of inspection of the premises and warning of dangerous conditions on the premises;

d. In failing to adequately supervise and oversee personnel to insure that they were carrying out their responsibilities in a reasonable fashion;

e. In failing to maintain the premises in order to keep it in a safe condition to prevent the risk of injury to business invitees;

f. In failing to make reasonable inspections of the premises to prevent the risk of injury to business invitees;

g. In failing to warn their business invitees of the unreasonable risk of injury;

h. In failing to use the degree of care and caution that a reasonably prudent business establishment would have used under the same or similar circumstances;

i. In failing to discover or warn business invitees of the unsafe condition of its facilities;

j. In failing to properly maintain the restaurant to avoid the hazardous condition created by the icy sidewalk on its premises;

k. In failing to comply with applicable building codes, state laws, and state regulations; and

l. In such other and further particulars as the evidence in trial may show.

19. These acts and omissions by Defendants were the direct and proximate cause of the injuries and damages suffered by Plaintiff herein, said acts being in violation of the statutes and common laws of the State of South Carolina.

WHEREFORE, the Plaintiff respectfully prays for judgment against the Defendants for actual damages and punitive damages as may be determined by the trier of fact, the cost of this action, and for such other and further relief as this Court may deem just and proper.

Respectfully submitted,

_s/ *David Williams*___________________

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Orangeburg, South Carolina